

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
: Case No. 2:23-CR-00293 (JMA)(JMW)  
v. :  
: ADAM KAPLAN and :  
: DANIEL KAPLAN, :  
: Defendants. :  
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**DECLARATION OF S. GALE DICK IN SUPPORT OF DEFENDANT ADAM KAPLAN'S  
PRETRIAL MOTIONS**

I, S. Gale Dick, an attorney duly admitted to practice before this Court, hereby declare pursuant to 28 U.S.C. § 1746 and Local Criminal Rule 16.1 as follows:

1. I am a partner of the law firm Cohen & Gresser LLP, attorneys for Defendant Adam Kaplan ("Defendant" or "Mr. Kaplan").

**I. MOTION TO SUPPRESS EVIDENCE OBTAINED AS A RESULT OF THE FBI'S  
ILLEGAL SEARCH DURING THE ARREST OF MR. KAPLAN**

2. Attached as Exhibits 1 through 9 are true and correct copy of video file produced by the Government in discovery with the Bates stamps specified below.<sup>1</sup> The video files contain footage captured by the body cameras worn by FBI agents on September 11, 2024, at the Kaplans' home in Great Neck, Long Island and show portions of the arrest of Mr. Kaplan and the search of certain areas within the house. These exhibits are being filed under seal pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160). Specifically, these exhibits are as follows:

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<sup>1</sup> The video files appended to this Declaration have been loaded onto a portable storage drive, physical copies of which will be provided directly to the Court's chambers.

- a. Exhibit 1 is a video file with Bates stamp KAPLAN100001;
- b. Exhibit 2 is a video file with Bates stamp KAPLAN100003;
- c. Exhibit 3 is a video file with Bates stamp KAPLAN099997;
- d. Exhibit 4 is a video file with Bates stamp KAPLAN099998;
- e. Exhibit 5 is a video file with Bates stamp KAPLAN099999;
- f. Exhibit 6 is a video file with Bates stamp KAPLAN099995;
- g. Exhibit 7 is a video file with Bates stamp KAPLAN100000;
- h. Exhibit 8 is a video file with Bates stamp KAPLAN100002;
- i. Exhibit 9 is a video file with Bates stamp KAPLAN099996.

3. Attached as Exhibit 10 is a true and correct copy of a still photograph produced by the Government in discovery with Bates stamp KAPLAN099993 of a table inside the Kaplan house on which the FBI found and seized a telephone (with a phone number ending in 2879) (the “Subject Device”) that had allegedly been provided to Mr. Kaplan by Co-Conspirator-1. Exhibit 10 is being filed under seal pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

4. Attached as Exhibit 11 is a true and correct copy of the Affidavit in Support of an Application under Rule 41 for a Warrant to Search and Seize, dated September 16, 2025 (the “Search Affidavit”) produced by the Government in discovery with Bates stamp KAPLAN100006. Exhibit 11 is being filed under seal pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

5. Attached as Exhibit 12 is a true and correct copy of a blueprint of the ground floor of the Kaplans’ home in Great Neck, New York. Because this document contains sensitive information concerning the Kaplans’ home, we respectfully submit this exhibit under seal. As

shown in the video file attached as Exhibit 4 at 5:40-5:50, the Subject Device was located on a table in the Living Room of the ground floor located adjacent to the front window as indicated in this ground floor blueprint.

6. Attached as Exhibit 13 is a true and correct copy of a blueprint of the second floor of the Kaplans' home in Great Neck, New York. Because this document contains sensitive information concerning the Kaplans' home, we respectfully submit this exhibit under seal.

7. Attached as Exhibit 14 is a true and correct copy of a diagram of the basement floor of the Kaplans' home in Great Neck, New York, as prepared by Stewart Kaplan and Idida Kaplan on or before May 4, 2025. Because this document contains sensitive information concerning the Kaplans' home, we respectfully submit this exhibit under seal. As shown in the video file attached as Exhibit 1 at 5:22-5:30, the FBI agents executing the arrest warrant for Mr. Kaplan on September 11, 2025 located Mr. Kaplan in the Family Room of the basement on or near the furniture labeled "L Shaped Couch" in the diagram.

8. The factual description of Adam Kaplan's arrest and the search of the Kaplans' house set forth in Part I.A. of the Memorandum of Law in Support of Adam Kaplan's Pretrial Motions is principally based on my review of the video files attached as Exhibits 1-9, the still photograph attached as Exhibit 10, the blueprints attached as Exhibits 12-14, the Search Affidavit attached as Exhibit 11, and other material referenced in the Memorandum of Law.

## **II. MOTION TO SUPPRESS AND DISMISS UNDER HAMMAD AND MASSIAH**

9. Attached as Exhibit 15 is a true and correct copy of a letter dated March 20, 2025, from Defendant to the Government concerning discovery issues, with Exhibit A. Exhibit 15 is being filed with redactions pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

10. Attached as Exhibit 16 is a true and correct copy of a letter dated April 18, 2025, from the Government to Defendant concerning discovery issues.

11. Attached as Exhibit 17 is a true and correct copy of a letter dated April 25, 2025, from Defendant to the Government concerning discovery issues. Exhibit 17 is being filed with redactions pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

12. Attached as Exhibit 18 is a true and correct copy of a letter dated May 9, 2025, from the Government to Defendant concerning discovery issues. Exhibit 18 is being filed with redactions pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

13. Attached as Exhibit 19 is a true and correct copy of the transcript of the status conference held in this matter on March 5, 2025.

14. Attached as Exhibit 20 is a true and correct copy of the transcript of the bail application hearing and status conference held in this matter on December 17, 2024. Because this document contains sensitive information concerning Mr. Kaplan's medical information, we respectfully submit this exhibit under seal.

### **III. MOTION FOR BILL OF PARTICULARS AND DISCOVERY MATERIAL**

27. Attached as Exhibit 21 is a true and correct copy of an excerpted email from Adam Toporovsky to Eric Creizman, copying others, dated December 27, 2023, regarding *United States v. Adam Kaplan and Daniel Kaplan* and providing a list of 160 alleged victims. Exhibit 21 is being filed under seal pursuant to the Protective Order, so ordered on April 15, 2025 (ECF No. 160).

28. I have conferred with the Government in good faith to resolve by agreement the issues raised by the motion for a bill of particulars and relating to other discovery matters without the intervention of the Court and have been unable to reach an agreement.

\* \* \*

15. I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: May 16, 2025  
New York, New York

Respectfully submitted,



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S. Gale Dick  
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*Attorney for Adam Kaplan*